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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,213	03/16/2001	Rajendra A. Panchal	CE087991	9115
22917	7590	10/07/2004	EXAMINER PHAN, TRI H	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,213

Applicant(s)

PANCHAL ET AL.

Examiner

Tri H. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 19 is/are rejected.
- 7) ☒ Claim(s) 2, 4-10 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/16/01 and 4/9/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Noneman** (U.S.5,887,252) in view of **Diachina** (U.S.5,835,860).

- In regard to claim 1 and 19, **Noneman** discloses in Figs. 1-3 and in the respective portions of the specification about the multicast transmission for the direct sequence code division multiple access 'DS-CDMA' cellular telephone system and method (For example see Abstract; col. 1, lines 7-9); wherein the base station 'BS' receives the request for multicast service from the mobile station 'MS' ("*receiving a request to patch*"; For example see col. 6, lines 9-11), generates the long code mask ("*encoding dispatch communication using first CDMA long-code mask*"; For example see col. 3, lines 6-8; wherein the long code mask is scrambled by the long code generator as disclosed in col. 1, lines 36-54); and transmits the assigned long code mask and traffic channel to the MS (""; For example see col. 6, lines 11-21; col. 4, lines 59-67); but fails to explicitly disclose that the request to patch is for the "*dispatch target*". However, such implementation is known in the art.

For example, **Diachina** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for operating and administering the mobile station user groups in the wireless communication system such as FDMA, TDMA, CDMA, hybrid FDMA/TDMA/CDMA, etc. (For example see Abstract; col. 3, lines 50-58; col. 4, lines 40-57); wherein the paging request received by the home mobile switching center 'MSC' ("*request to patch*") is for the mobile station 'MS' in the visited MSC (For example see col. 6, lines 14-26). **Diachina** further discloses about the control and processing unit ("*processor*") and the transceiver ("*receiver and transmitter*") in the base station (For example see Fig. 3; col. 4, line 67 through col. 5, line 8).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the invention as taught by **Diachina** in **Noneman**'s system, by implementing the method of receiving request to patch of the MS as for the "*dispatch target*", with the motivation being to improve the ability to request for adding MS or user to specific user group for conference call as disclosed.

- Regarding claim 3, **Noneman** further fails to explicitly disclose about the method for transmitting the dispatch page to the "*dispatch target*". However, such implementation is known in the art.

For example, **Diachina** further discloses wherein the paging request is routed to the mobile station 'MS' in the visited MSC (For example see col. 6, lines 17-21).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the invention as taught by **Diachina** in **Noneman**'s system,

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by implementing the method of transmitting the request to patch to the MS in the visited MSC as to the “*dispatch target*”, with the motivation being to improve the ability to request for adding MS or user to specific user group for conference call as disclosed in col. 6, lines 21-26.

Allowable Subject Matter

3. Claims 2 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 11-15, 16-18, 21 and 22 are allowed. The following is an examiner’s statement of reasons for allowance:

Claims 11-15 and 16-18 are considered allowable since when reading the claims in light of the specification, none of the references of record-alone or in combination disclose or suggest the combination of limitations specified in the independent claims including.

Substantially regarding claim 11 and 21, the prior art of record fails to disclose the system and method for the communication unit to invoke the dispatch patch service from the base site in the CDMA communication system, which comprises the steps of decoding the dispatch communication for the dispatch call using the CDMA long-code mask, transmitting the request to patch the dispatch target into the dispatch call, wherein the dispatch call does not involve the dispatch target prior to the step of transmitting, especially with receiving the CDMA

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long-code mask update information and decoding, subsequent to the step of transmitting, the dispatch communication for the dispatch call using the updated CDMA long-code mask, wherein the dispatch call involves the communication unit and the dispatch target.

Substantially regarding claim 16 and 22, the prior art of record further fails to disclose the system and method for the communication unit to be patched into the dispatch call in the CDMA communication system, which comprises the steps of receiving the dispatch page for the dispatch call, receiving the channel assignment that indicates the first CDMA long-code mask used for the dispatch call prior to the step of receiving the dispatch page, especially with generating the second CDMA long-code mask using the first CDMA long-code mask and the dispatch identifier of the communication unit and decoding the dispatch communication for the dispatch call using the second CDMA long-code mask.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Tsukagoshi (U.S.6,542,755) and **Töyrylä; Hannu** (U.S.5,465,391) are all cited to show devices and methods for improving multicast communication in the cellular telecommunication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan
September 30, 2004



DANG TON
PRIMARY EXAMINER